



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert H. Corbin

September 29, 1980

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. James A. Shiner
Special Deputy County Attorney
STOMPOLY & EVEN, P.C.
La Placita Village
Magdalena Building, Suite 370
120 West Broadway
Tucson, Arizona 85701

Re: I80- 171 (R80-197)

Dear Mr. Shiner:

We have reviewed your opinion dated August 20, 1980, to the Superintendent of the Sunnyside Unified School District No. 12, Pima County, concerning the disclosure of student telephone numbers to the parents of other students. We concur with your conclusion that unless a school district has adopted procedures to designate categories of personally identifiable information as "directory information," and has provided an opportunity for parents to refuse to permit identification of such information with respect to their child, the school district may not disclose such information to third parties without the prior written consent of the parents.^{1/} See A.R.S. § 15-151; 20 U.S.C. §§ 1232(g) and 1232(h); 45 C.F.R. § 99.37(c).

Sincerely,

BOB CORBIN
Attorney General

BC:MAP:eb

^{1/}This is, of course, subject to the exceptions contained in 20 U.S.C. §§ 1232(g)(b)(1)(a)-(I), which are not relevant to the fact situation described in your letter.

JOHN G. STOMPOLY
JOHN D. EVEN
JAMES L. STROUD
JOHN PATRICK LYONS
CHARLES E. GIDDINGS
WILLIAM G. WALKER
JAMES ALAN SHINER

LAW OFFICES
STOMPOLY & EVEN, P.C.
LA PLACITA VILLAGE
MAGDALENA BUILDING, SUITE 370
120 WEST BROADWAY
P. O. BOX 3017
TUCSON, ARIZONA 85701

OF COUNSEL
CHARLES D. MC CARTY

AREA CODE 602
792 2781

August 20, 1980

EDUCATION OPINION

ISSUE NO LATER THAN

10-27-80

8-27-80 *pc*
POLLARD
R80- 197

Mr. Fred Bull, Superintendent
Sunnyside Unified School District
Post Office Box 11280
Tucson, Arizona 85734

Re: Disclosure of student Ray Peralta's
telephone number

Dear Mr. Bull:

This correspondence is in response to your August 18, 1980, telephone call to me requesting my opinion as to the propriety of divulging student Ray Peralta's telephone number to the parent of another student, Mrs. Ramirez. As related to me, the reason Mrs. Ramirez desired to obtain the Peralta telephone number was so that she could speak to Ray Peralta's parents about threatening phone calls her child had received. Mrs. Ramirez had reason to believe that Ray Peralta was the person responsible for the phone calls. In addition, I was informed that the name Gloria Castillo had been used during one of the calls. Gloria Castillo is the daughter of Ramon Castillo, a member of the school board. Mr. Castillo also desired to speak with Ray Peralta's parents.

The question presented involves disclosure of student records. Access to and disclosure of student records is governed by A.R.S. §15-151, as amended. That section of our statutes incorporates by reference the federal standards set forth in 20 U.S.C. §1232G and §1232H and the accompanying federal regulations promulgated thereunder. The federal regulations are contained in 45 C.F.R. Part 99.

45 C.F.R., Section 99.3 characterizes a student's telephone number as "directory information." Directory information including a student's telephone number may be disclosed without written consent of the parents of a minor child if, and only if, there has been compliance with federal

Fred Bull
page 2
August 20, 1980

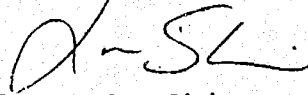
R80- 197

regulations. The procedure for designating such items as the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information is set forth in 45 C.F.R. Section 99.37(c). This provision, in essence, requires the educational institution to identify the categories of personally identifiable information as "directory information." It also demands that the parent of the student be given an opportunity to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to a particular student as directory information. Finally, there must be public notice of the establishment of "directory information" setting forth the period of time within which the parent of a student may inform, in writing, the educational institution that such personally identifiable information is not to be designated as directory information with respect to that student. I have attached a copy of 45 C.F.R. Section 99.37(c) for your information.

The short answer to your question is that if Sunnyside has not complied with the above regulations with respect to the establishment of a category of information known as "directory information," the telephone number of Ray Peralta may not be disclosed without the written consent of Mr. Peralta's parents if Mr. Peralta is a minor.

If you have any questions, or I can provide additional assistance, please do not hesitate to contact me.

Very truly yours,



James A. Shiner

JAS:law
Enclosure